

Deposition Coordination Proposal Comparison

	Defendants' Proposal	NY Class Plaintiffs' Proposal	News Plaintiffs' "News-Only Coordination" Proposal	News Plaintiffs' "SDNY-Only Coordination" Proposal	California Consolidated Class Action
Scope of Coordination	Applies to <i>all NY Cases</i> (both the <i>News Cases</i> and the <i>NY Class Cases</i>). Also provides a mechanism to coordinate with CA depositions of OpenAI-affiliated witnesses if scheduling permits.	Proposes informal coordination with NDCA only for <i>NY Class Case</i> .	Applies only to the <i>News Cases</i> .	Applies to <i>all NY Cases</i> , so long as they remain on the same discovery track.	Applies only to the <i>California Consolidated Class Action</i> .
Plaintiff Side Allotted Hours	<i>NY Class Cases</i> : 140 hours , with no more than 70 hours for a single Defendant. <i>News Cases</i> : 140 hours , with no more than 70 hours for a single Defendant.	225-hour cap for <i>NY Class</i> depositions, with no more than two-thirds of that time spent on any one Defendant Group.	260-hour cap for Plaintiffs in the <i>News Cases</i> . Maximum 175 hours per "Defendant Group." Max 50 hours for non-party witnesses. Cap includes 30(b)(6).	260-hour cap for the <i>News</i> Plaintiffs, and a separate 260-hour cap for the <i>NY Class</i> Plaintiffs. Max 50 hours for non-party witnesses for each group. Each group may use up to 2/3 of that time on any one Defendant Group.	105 hours total for Plaintiffs covering all fact depositions (incl. party and non-party).
Defendant Side Allotted Hours	<i>NY Class Cases</i> : 120 hours of NY Class. <i>News Cases</i> : 210 hours total (70 hours each for NYT, Daily News group, CIR).	Do not oppose 120-hour cap in NY Class Cases.	250-hour cap in <i>News Cases</i> . Max 200 hours for Plaintiffs' witnesses; 50 hours for non-party fact witnesses. No more than 105 hours per any one <i>News</i> Plaintiff.	175-hour cap in <i>NY Class Cases</i> . 250-hour cap in <i>News Cases</i> . No more than 105 hours per any one <i>News</i> Plaintiff.	105 hours total for Plaintiffs covering all fact depositions (incl. party and non-party).
Per-Witness Time (30(b)(1))	9 hours for individuals (30(b)(1) only). 12 hours if noticed under 30(b)(1) + 30(b)(6).	Standard 7-hour limit.	10 hours for individuals (30(b)(1) only), if solely in the <i>News Cases</i> .	14 hours for individuals (30(b)(1) only), if noticed in <i>all NY Cases</i> (shared equally unless they reallocate). 10 hours if noticed only in <i>News Cases</i> .	Standard 7-hour limit.
30(b)(6) Notices	All <i>NY Class & News</i> Plaintiffs serve comprehensive 30(b)(6) notices on Defendants by Feb. 14, 2025. Single sitting if a witness is also 30(b)(1).	Default Rule 30(b)(6) rules.	<i>News</i> Plaintiffs serve one consolidated 30(b)(6) on OpenAI & one on Microsoft.	<i>News</i> Plaintiffs serve one consolidated 30(b)(6) on OpenAI & one on Microsoft; Class Plaintiffs do likewise. Defendants can serve one consolidated 30(b)(6) on each plaintiff entity.	Default Rule 30(b)(6) rules.
30(b)(6) Time	Combined into the total hours.	Requests a minimum of 18 hours and maximum of 25 hours for 30(b)(6) depositions <i>per Defendant</i> in NY Class Cases.	Plaintiffs: 18 hours if 2 or fewer individuals are designated to cover all topics; up to 25 hours per Defendant. Defendants: 25 hours in NYT and CIR, 38 hours in Daily News.	Plaintiffs: 18 hours if 2 or fewer individuals are designated to cover all topics; up to 25 hours per Defendant. Defendants: 25 hours in NYT and CIR, 38 hours in Daily News, 25 hours in NY Class Cases.	20 hours total for 30(b)(6) depositions (shared among topics/designees), counted separately from apex or standard fact depositions.
Apex Witnesses	5 hours total (all NY Cases).	No separate apex rule.	No separate apex rule.	No separate apex rule.	3.5-hour cap for apex depositions.
Cross-Production	No required cross-production.	Cross-production of documents from the <i>NY Class Cases</i> to <i>California Consolidated Class Action</i> and vice versa.	No mention of cross-production with <i>NY Class Cases</i> .	Documents and written discovery cross-produced across <i>all NY Cases</i> .	Declined to mandate cross-production with <i>NY Class Cases</i> .